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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

| | | |
|----------------------------|---|----------------------------------|
| UNITED PUBLIC WORKERS, |) | CIVIL NO. 03-00598 DAE/LEK |
| AFSCME LOCAL 646, AFL-CIO, |) | DEFENDANT'S RESPONSE TO |
| MUTUAL AID FUND TRUST, |) | PLAINTIFF'S MOTION TO |
| |) | STRIKE DEFENDANT'S REPLY |
| Plaintiff, |) | TO PLAINTIFF'S |
| |) | MEMORANDUM IN |
| vs. |) | OPPOSITION TO DEFENDANT'S |
| GARY W. RODRIGUES, |) | MOTION FOR SUMMARY |
| |) | JUDGMENT, FILED MARCH 28, |
| Defendant. |) | 2007; CERTIFICATE OF |
| |) | SERVICE |
| |) | Hearing: |
| |) | Date: <u>July 23, 2007</u> |
| |) | Time: <u>9:45 a.m.</u> |
| |) | Judge: <u>Hon. David A. Ezra</u> |
| |) | (Trial: August 28, 2007) |

DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION
TO STRIKE DEFENDANT'S REPLY TO PLAINTIFF'S
MEMORANDUM IN OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT, FILED MARCH 28, 2007

Defendant Gary Rodrigues submits that in light of Plaintiff's Motion for Substitution of Real Party in Interest filed May 1, 2007 which addresses the issue of Plaintiff's standing, and which is scheduled to be heard by Magistrate Judge Leslie E. Kobayashi at 9:30 a.m. on June 20, 2007, Plaintiff's Motion to Strike Defendant's Reply to Plaintiff's Memorandum in Opposition to Defendant's Motion for Summary Judgment, filed March 28, 2007 should be deemed moot.

DATED: Honolulu, Hawai'i, May 25, 2007.

/s/ Eric A. Seitz
ERIC A. SEITZ
LAWRENCE I. KAWASAKI
RONALD N.W.B. KIM

Attorneys for Defendant
Gary W. Rodrigues

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

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| UNITED PUBLIC WORKERS, |) | CIVIL NO. 03-00598 DAE/LEK |
| AFSCME LOCAL 646, AFL-CIO, |) | |
| MUTUAL AID FUND TRUST, |) | |
| |) | CERTIFICATE OF SERVICE |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| GARY W. RODRIGUES, |) | |
| |) | |
| Defendant. |) | |
| |) | |

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that one copy of the within was duly served this date electronically via CM/ECF to the following at the address listed below:

JAMES E.T. KOSHIBA, ESQ.
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Dated: Honolulu, Hawaii, May 25, 2007.

/s/ Eric A. Seitz
ERIC A. SEITZ